

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2020-0099-ETHICS-A**

IN THE MATTER OF

TARANZA ARVIE

*** AGENCY ID NO. 5120-001**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested an adjudicatory hearing to have the Ethics Adjudicatory Board determine whether Taranza Arvie failed to file his 30-P and 10-P campaign finance disclosure reports by the sixth day after they were due, and his 10-G campaign finance disclosure report by the eleventh day after it was due, in connection with his 2019 candidacy for State Representative, District 38. The Louisiana Board of Ethics proved by clear and convincing evidence that Taranza Arvie failed to file these campaign finance disclosure reports as alleged. The Louisiana Board of Ethics is authorized to impose an additional civil penalty not to exceed \$10,000 upon Taranza Arvie for each campaign finance disclosure report as allowed by La. R.S. 18:1505.4(A(4)(a) and (b)).

APPEARANCES

An adjudicatory hearing in this matter was conducted on October 30, 2020, in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board.¹ Charles E. Reeves, Jr., appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Taranza Arvie did

¹ The panel consisted of administrative law judges Sherlyn D. Shumpert (presiding), Esther A. Redmann, and Lance B. Vinson.

not appear for the hearing.²

STATEMENT OF THE CASE

In connection with his 2019 candidacy for State Representative, District 38, the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure (BOE), imposed civil penalties upon Taranza Arvie (Respondent) for failing to file three campaign finance disclosure reports by their deadlines. One report was due by the thirtieth day before the primary election (30-P report), one was due by the tenth day before the primary election (10-P report), and one was due by the tenth day before the general election (10-G report). The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file his 30-P report and his 10-P report by the sixth day after they were due, and his 10-G report by the eleventh day after it was due, which may subject him to an additional civil penalty not to exceed \$10,000 for each report, as provided by La. R.S. 18:1505.4(A)(4)(a) and (b).

Counsel for the BOE offered thirteen exhibits during the hearing, all of which were admitted into evidence. Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

FINDINGS OF FACT

Respondent qualified as a candidate for State Representative, District 38.³ The primary

² BOE Exhibit 5. The hearing notice was mailed on August 21, 2020, by the Administrative Hearings Clerk for the Division of Administrative Law to Taranza Arvie at: 512 Laran Street, Ville Platte, Louisiana, 70586-3737.

³ BOE Exhibit 2.

election was held on October 12, 2019, and the general election was held on November 16, 2019.⁴ Respondent was required to file his 30-P report by September 12, 2019,⁵ his 10-P report by October 2, 2019,⁶ and his 10-G report by November 6, 2019.⁷ Respondent did not file any of these reports by the statutory deadlines.⁸

On December 5, 2019, the BOE issued a *Late Fee Assessment Order* to Respondent ordering him to pay a statutory late fee of \$2,000 for failing to timely file his 30-P report.⁹ On February 28, 2020, the BOE issued a *Late Fee Assessment Order* to Respondent ordering him to pay a statutory late fee of \$2,000 for failing to timely file his 10-P report.¹⁰ On February 28, 2020, the BOE issued a *Late Fee Assessment Order* to Respondent ordering him to pay a statutory late fee of \$2,000 for failing to timely file his 10-G report.¹¹ Respondent was notified in the letters accompanying the late fee assessment orders that he could be subject to “an additional \$10,000 penalty” for each of these unfiled reports.¹² The late fee assessment orders were sent to Respondent by certified mail with return receipt requested at his last known address.¹³

As of August 4, 2020, Respondent had not filed his 30-P report, his 10-P report, or his 10-G report.¹⁴

CONCLUSIONS OF LAW

Respondent knowingly failed to file a 30-P and his 10-P reports by the sixth day after they were due, and he failed to file his 10-G report by the eleventh day after it was due. For these

⁴ BOE Exhibit 4.

⁵ See La. R.S. 18:1495.4(B)(3).

⁶ See La. R.S. 18:1495.4(B)(4).

⁷ See La. R.S. 18:1495.4(B)(5).

⁸ BOE Exhibit 10.

⁹ BOE Exhibit 7.

¹⁰ BOE Exhibit 8.

¹¹ BOE Exhibit 9.

¹² BOE Exhibits 7-9.

¹³ *Id.*

¹⁴ BOE Exhibit 10.

failures, the BOE is authorized to impose additional civil penalties upon Respondent as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

Adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a-b) cover two kinds of campaign finance disclosure reports candidates must file in connection with elections. La. R.S. 18:1505.4(A)(4)(a) addresses reports that candidates must file between the time the candidate qualified for the election and the election day. La. R.S. 18:1505.4(A)(4)(b) addresses “other reports” candidates must file in connection with elections that fall outside the time frame in the previous provision. In either case, the BOE must prove by clear and convincing evidence¹⁵ that the candidate knowingly¹⁶ to file a required report within the six or eleven-day period following when it was due, respectively. If, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file a required campaign finance disclosure report by the additional time period that follows the statutory deadline, then the BOE may impose an additional civil penalty not to exceed \$10,000 upon the candidate for each report that he failed to timely file.¹⁷

Report Filing Requirements and Fixed Statutory Penalty

Respondent was a candidate for State Representative, District 38, which is a district office.¹⁸ Every candidate (or his campaign treasurer) for a district office is required to file certain campaign finance disclosure reports by the statutory deadlines.¹⁹ Failure to timely submit the required report constitutes a violation of the CFDA.²⁰ Failure to submit the required report within

¹⁵ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.... The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹⁶ La. R.S. 18:1505.4(A)(1).

¹⁷ See La. R.S. 18:1505.4(A)(4)(a-b).

¹⁸ See La. R.S. 18:1483(7) (defining “District office”).

¹⁹ La. R.S. 18:1495.4(A).

²⁰ La. R.S. 18:1505.1(B).

three days after the final date for filing is presumptive evidence of intent to not file the report.²¹

As a candidate for a district office, Respondent was required to file a 30-P report by the thirtieth day prior to the primary election,²² a 10-P report by the tenth day prior to the primary election,²³ and a 10-G report by the tenth day prior to the general election.²⁴ Respondent did not file these reports by their statutory deadlines. The BOE issued late fee assessment orders to Respondent ordering him to pay the statutory late fee of \$2,000 for each report.²⁵

Assessment of Additional Civil Penalty

With the benefit of the unrebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his 30-P report by September 18, 2019;²⁶ his 10-P report by October 8, 2019;²⁷ and his 10-G report by November 17, 2019.²⁸ As a result, the BOE is authorized to impose an additional civil penalty not to exceed \$10,000 for each report as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

INTENTIONALLY LEFT BLANK

²¹ La. R.S. 18:1505.1(A).

²² La. R.S. 18:1495.4(B)(3).

²³ La. R.S. 18:1495.4(B)(4).

²⁴ La. R.S. 18:1495.4(B)(5).

²⁵ See La. R.S. 18:1511.4.1(C) (providing individuals a right to appeal a final order for the payment of civil penalties).

²⁶ The 30-P report was due September 12, 2019; the third day after September 12, 2019, was September 15, 2019; and the sixth day after September 12, 2019, was September 18, 2019.

²⁷ The 10-P report was due October 2, 2019; the third day after October 2, 2019, was October 5, 2019; and the sixth day after October 2, 2019, was October 8, 2019.

²⁸ The 10-G report was due November 6, 2019; the third day after November 6, 2019, was November 9, 2019; and the eleventh day after November 6, 2019, was November 17, 2019.

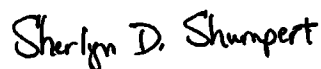
ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000 upon Taranza Arvie for failing to file his 30-P campaign finance disclosure report by the sixth day after it was due.

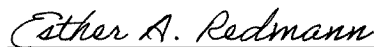
IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000 upon Taranza Arvie for failing to file his 10-P campaign finance disclosure report by the sixth day after it was due.

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000 upon Taranza Arvie for failing to file his 10-G campaign finance disclosure report by the eleventh day after it was due.

Rendered and signed on December 10, 2020, in Baton Rouge, Louisiana.



Sherlyn D. Shumpert
Presiding Administrative Law Judge
Ethics Adjudicatory Board- Panel A



Esther A. Redmann
Administrative Law Judge
Ethics Adjudicatory Board- Panel A



Lance B. Vinson
Administrative Law Judge
Ethics Adjudicatory Board- Panel A

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, December 11, 2020, I have sent a copy of
this decision/order to all parties of this matter.

REVIEW RIGHTS

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statute 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:

EABprocessing@adminlaw.state.la.us

FAX documents to:

EAB Section Deputy Clerk

(225) 219-9820

MAIL documents to:

DAL – EAB Section

ATTN: EAB Section Deputy Clerk

P. O. Box 44033

Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.